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Danbury-Newtown LLC - Application for Special Exception to allow new use (Existing Retail, Existing Grocery Store & New Fast Food Restaurant) generating in excess of 500 vehicle trips

Chairman Finaldi said that this would be on file in the Planning Office.

REFERRALS:

Mrs. Calitro asked that they add the following item to the agenda as a Referral: 8-24 Referral/Additional Common Counsel Referral for Acquisition of Sidewalk Easements for the White Street Streetscape Project. Mr. Urice made a motion to add this item as #10 under the Referrals listed on tonight's agenda. Mr. Cerminara seconded the motion and it was passed unanimously.

8-24 Referral/February '06 CC Agenda Item #26– Eagle Road Center LLC/Transfer of Property to City of Danbury. *Tabled pending receipt of additional information.*

8-3a Referral – Petition of A & S Properties Inc. to Amend Secs 2.B. & 5.E. of the Zoning Regulations. (Add "Mixed Use Building" to the CN-5 Zone as Special Exception) *Public hearing scheduled for June 12, 2007.*

8-3a Referral – Petition of Allegiance Capital Group Inc. to Amend Secs. 5.E.2 & 5.E.4. of the Zoning Regulations. (Add Self-Storage as Permitted Use in CN-20 Zone) *Public hearing scheduled for June 12, 2007.*

Mr. Urice made a motion to table these three matters, which were listed on the agenda as items #1, #8 & #9. Mr. Cerminara seconded the motion and it was passed unanimously.

8-3a Referral – Petition of Louis Sproviero to Amend Sec. 5.D.2.a. of the Zoning Regulations (Add Laundromat as permitted use in CL-10 Zone). *Zoning Commission public hearing scheduled for May 22, 2007.*

Chairman Finaldi read the staff report into the record. Mr. Urice asked if the existing laundromats are illegal or pre-existing non-conforming. Mr. Elpern said he did not check each one out individually so he is not sure but this use conforms to the purpose and intent of this zone. It is not a heavy traffic generator and typically is used in the off-hours, so the Staff has no problem with this request. Mr. Urice made a motion to give this a positive recommendation for the following reasons:

- Based on the purpose and intent of the CL-10 zone and the fact that approximately 30% of the existing laundromats in Danbury are located in the CL-10 Zone, this would be an appropriate use in this zone. Additionally, the areas zoned CL-10 adjoin heavily concentrated residential districts or the perimeter of the central business district, so these uses would be located in an appropriate commercial setting

Mr. Cerminara seconded the motion and it was passed unanimously.

Mrs. Calitro explained that these parcels are already encumbered by drainage and water easements granted to the City. The Highway Dept. needs these additional easements to relieve flooding in the area of these properties. If these easements are granted, the City will install a series of catch basins and pipe within the easement area to connect to the existing drainage system in Birch Rd. This will benefit the immediate properties by directing and discharging stormwater to a defined system managed by the City. There were no questions from the Commission members. Mr. Urice made a motion to give this a positive recommendation. Mr. Cerminara seconded the motion and it was passed unanimously.

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8-3a Referral – Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Secs. 2.B., 3.E. & 5.D.3. of the Zoning Regulations. (Amend Definitions, Special Exception Uses and CL-10 Zone). *Public hearing scheduled for May 22, 2007.*

Mr. Elpern said this is an effort to correct some problems and provide clarification by adding definitions and criteria for certain uses. Chairman Finaldi said this will help the Commission in their review of certain special exception uses. There was no discussion. Mr. Urice made a motion to give this a positive recommendation for the following reasons:

- These amendments add and revise some definitions as well as clarify and include design standards for uses that become special exceptions based on trip generation.

Mr. Cerminara seconded the motion and it was passed unanimously.

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8-3a Referral – Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Secs. 2.B., 3.F.3., 8.A., 9.B.1., 10.B.1. & 10.D. of the Zoning Regulations. (Amend Definitions, Excavations, Erosion & Sedimentation Controls, Non-conforming Lots, Zoning Permits & Site Plan Review) *Public hearing scheduled for May 22, 2007.*

Mr. Elpern distributed the errata explaining that these came about after the petition was in its final draft. He then listed the various people who have already reviewed and contributed to this: the Mayor, Corporation Counsel, the Engineering Dept., the Fire Marshal, the Building Inspector, the Zoning Enforcement Officer, and more. He said they added a definition of mining and quarrying because we are going to prohibit it. Mrs. Calitro explained that changes were necessary to the grading regulations because we needed to add controls and standards. Mr. Elpern said there is no real change to the section on non-conformities; he just tried to make it readable and simplify it as it has always been confusing. He said changes were necessary to the section on zoning permits. He explained that the Commissions do not get involved with permitting, but the ZEO deals with all of this stuff. He said language was added to determine when a grading permit is required. They also added requirements for what is to be shown on a plot plan, and language on site drainage which requires an Engineering review. These were things that both the ZEO and the Engineering Dept. wanted for clarity. Much of this has always been policy but it was never stated anywhere. He said the next section deals with the site plan review process. Much of what is required as part of a site plan submission is also not written down anywhere; it is just existing practice that dictates what is necessary. This new language will specify exactly what is required as part of a site plan application. He explained that the majority of the site plan review is done administratively, only site plans that are part of special exception applications come before this Commission. What has been happening for quite a while is that parts of the application come into the office, which starts the clock ticking on the 65 day time period as mandated by the Statutes for this review. The engineer tells his client that he has submitted everything, meanwhile we are missing essential reports or documents (e.g.; drainage calculations or traffic study) needed to complete the review. We then have to call them to remind them we need these things and they eventually get them to us, but this delay causes problems for the review. We are looking to get a complete application in at the

beginning so we don't have to have to look at things several times. This is the main reason we decided to revamp the list of site plan contents. We have been doing this all along but now we are putting the supplemental documents list into the Regulations. There have been times when we have had difficulty getting information because this list was not in the Regulations, so people felt they did not have to provide it. He said we added a few new things, but mostly just reorganized the list. Some of the things that were added were: a landscape plan is to be prepared by a Landscape Architect, also the requirement that certification be provided that landscaping was done in accordance with approved plan. We have had the requirement that the engineer provide certification that the drainage was installed in compliance with the approved plan. He then explained the Waiver to Site Plan Requirements which is something we have always done, but it has never been in our Regs. He said he revised the section on sewer and water permits, added clarification on Stormwater drainage. The section on Fire Protection is all new because we never had anything before, but this is what the Fire Marshal wants when they do their review. He said he added some language to the Traffic Impact section about the Commission being able to require improvements and clarifying that the ITE standards are to be used in preparing the traffic report. He said all of this will help the staff during administrative reviews and also make the Commission's job easier because we will have the legislation to require specific information be submitted. He suggested that they mention in their recommendation that these changes will address some of the problems that the Commission goes through during the public hearing process. Mr. Urice made a motion to give this a positive recommendation along with notation that many of the changes will remedy issues that they constantly have to deal with. He gave the following reasons for his motion:

- These amendments will prevent land use conflicts, establish standards and clarify language, improve the permit process, and facilitate site plan reviews.

Mr. Cerminara seconded the motion and it was passed unanimously.

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8-24 Referral/Additional CC Referral – Acquisition of Sidewalk Easements, White Street Streetscape Project.

Mrs. Calitro explained that they are in the final stages of design and getting ready to start construction on this project. Most of the improvements will take place in the street right-of-way. She said a letter from the Mayor will be going out tomorrow to the property owners who will be affected by this work. She added that all of the documents were drafted by Corporation Counsel. Mr. Cerminara asked if these properties are grandfathered and Mrs. Calitro explained that in these two specific properties, we need a little more than all the rest of the parcels, so that is why the easements are necessary. She said this work will make it better for the property owners once it is done. Mr. Urice made a motion to give this a positive recommendation because the White Street Streetscape Improvement project is endorsed in the Plan of Conservation & Development. Mr. Cerminara seconded the motion and it was passed unanimously.

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There was nothing under Other Matters and Correspondence. Under For Reference Only were listed three Applications for Floodplain Permits and the Public Hearings scheduled for June 6, 2007 and June 20, 2007.

At 9:45 PM, Mr. Urice made a motion to adjourn. Mr. Cerminara seconded the motion and it was passed unanimously.